



March 8 2019

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

*Re: Request to Continue Provision of Services on the U.S.-Independent Samoa Route  
Using the Switched Services of an Affiliated U.S. Facilities-Based Carrier,  
FCC File No. ITC-T/C-20161220-00377; IB Docket No. 16-420*

Dear Ms. Dortch:

On November 16, 2018, the Commission granted consent for the transfer of control of AST Telecom, LLC d/b/a Bluesky (“AST”) and its affiliates American Samoa Hawaii Cable, LLC and Samoa American Samoa Cable, LLC from Amper, S.A. to Amalgamated Telecom Holdings Limited (“ATH”) (the “Proposed Transaction”). In seeking such consent, ATH and AST made voluntary commitments concerning traffic routing and settlement rates.<sup>1</sup> In particular, AST agreed that it will provide U.S.-outbound switched services on the U.S.-Fiji, U.S.-Vanuatu, U.S.-Kiribati, U.S.-Cook Islands, and U.S.-Independent Samoa routes (each an “Affiliated Route”) solely via the resale of an unaffiliated U.S. facilities-based carrier’s switched services until it demonstrates in writing that the relevant Affiliated Route complies with the Commission’s settlement rate benchmark.<sup>2</sup> AST may continue to provide facilities-based service on the U.S.-Independent Samoa route, provided it requests Commission permission and makes the requisite demonstration within sixty days of the transfer-of-control grant of authority (*i.e.*, before January 15, 2019).<sup>3</sup> The Proposed Transaction was only recently consummated on February 22, 2019. Accordingly, as discussed with Commission staff, this request is being filed outside of the 60-day period.

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<sup>1</sup> See Letter from Ivan Fong, Chief Executive Officer, Amalgamated Telecom Holdings Limited and Douglas Creevey, Chief Executive Officer, AST Telecom, LLC to Marlene H. Dortch, Secretary, Federal Communications Commission (Sept. 11, 2018) (“Commitment Letter”).

<sup>2</sup> See Commitment Letter at ¶ 2(a), (e).

<sup>3</sup> *Id.* at ¶ 2(e).

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Consistent with those commitments, AST, through its counsel, requests that the Commission authorize AST to continue providing direct facilities-based service on the U.S.-Independent Samoa route. AST's affiliated foreign carrier, Bluesky Samoa Limited ("Bluesky Samoa"), has negotiated a settlement rate with AST that is below the benchmark. Specifically, AST and Bluesky Samoa have agreed to—and do—terminate traffic on the U.S.-Independent Samoa at US \$0.19 per minute. The \$0.189 rate reported by Bluesky Samoa in its Section 63.10(c)(2) quarterly traffic and revenue report submitted to the Commission on September 30, 2018, reflects minor fluctuations in settlement revenue due to rounded partial minutes. This Bluesky Samoa rate is available to all other U.S. carriers, as evidenced by the rate table, attached hereto as Exhibit A signed by both Raj Deo, Country Manager of AST, and Anish Chandra, Chief Financial Officer for Bluesky Samoa Limited. While AST does not publish this rate table—there is no tariff requirement in American Samoa—the Commitment Letter itself evidences the general availability of the \$0.19 termination rate. That this \$0.19 termination rate is and will continue to be available to all U.S. carriers is further supported by the Affidavit of Mr. Chandra, attached hereto as Exhibit B and the Affidavit of Ivan Fong, Chief Executive Officer of ATH, attached hereto as Exhibit C. AST will notify the Commission in the event that circumstances change rendering it unable to continue offering such a rate.

Please contact Kent Bressie by telephone +1 202 730 1337 or e-mail at kbressie@hwglaw.com with any questions regarding this request.

Respectfully submitted,



Kent Bressie  
Colleen Sechrest  
Susannah Larson

*Counsel for AST Telecom, LLC d/b/a Bluesky*

Attachments

cc: Denise Coca  
Kimberly Cook  
David Krech  
Susan O'Connell

# EXHIBIT A



## Incoming Bluesky Samoa Voice Traffic

\*Voice Traffic originating from AST Telecom, LLC dba Bluesky Communications and terminating on Bluesky Samoa Network

Destination	Country Code	City Code	Rate (\$USD)	Effective date	End date
Bluesky Samoa	685	20-29, 30-39, 40-49	0.190	01-January-2018	TBA
Bluesky Samoa	685	50-59, 60-69	0.190	01-January-2018	TBA
Bluesky Samoa Mob	685	75,76	0.190	01-January-2018	TBA

A handwritten signature in blue ink, appearing to read "Raj Deo", written over a horizontal line.

Country Manager  
Raj Deo  
AST Telecom, LLC dba Bluesky Communications

A handwritten signature in blue ink, appearing to read "Alex Abraham", written over a horizontal line.

Country Manager  
Alex Abraham  
Bluesky Samoa Limited

## EXHIBIT B

### DECLARATION OF ANISH CHANDRA

I, Anish Chandra, Chief Financial Officer for Bluesky Samoa Limited (“Bluesky Samoa”), declare under penalty of perjury that the following is true and correct:

1. Voice traffic originating from AST Telecom, LLC d/b/a Bluesky (“AST”) and terminating on the Bluesky Samoa Limited (“Bluesky Samoa”) network is settled at the rate of US \$0.19.
2. The AST-Bluesky Samoa rate is set forth in the rate table submitted to the Federal Communications Commission (“FCC”) concurrently with this Declaration.
3. The US \$0.19 rate is available to all U.S. carriers, as stated in separate commitments to the FCC. *See* Letter from Ivan Fong, Chief Executive Officer, Amalgamated Telecom Holdings Limited (“ATH”) and Douglas Creevey, Chief Executive Officer, AST to Marlene H. Dortch, Secretary, FCC (Sept. 11, 2018).
4. Independent Samoa’s Office of the Regulator does not regulate termination rates and has not established a tariffing or filing mechanism that would result in public documentation of termination rates.



Anish Chandra

Subscribed and sworn to  
this [21] day of February 2019

## EXHIBIT C

### DECLARATION OF IVAN FONG

I, Ivan Fong, Chief Executive Officer for Amalgamated Telecom Holdings Limited (“ATH”), declare under penalty of perjury, that the following is true and correct:

1. ATH acknowledges the commitments stated in that certain Letter from Ivan Fong, Chief Executive Officer, ATH and Douglas Creevey, Chief Executive Officer, AST Telecom, LLC (“Bluesky”) to Marlene H. Dortch, Secretary, Federal Communications Commission (Sept. 11, 2018) (“Commitment Letter”) and confirms that it shall comply with these commitments.
2. ATH acknowledges and agrees that such commitments include ensuring that traffic on the U.S. Samoa-Independent Samoa route is settled at or below the benchmark rate of \$0.19, and that such rate is generally available to all U.S. carriers.
3. ATH further agrees that it shall promptly notify the Commission in the event that the U.S. Samoa-Independent Samoa settlement rate is no longer benchmark compliant or is no longer generally available to all U.S. carriers.

  
Ivan Fong

Subscribed and sworn to  
this 6th day of March, 2019